UNITED STATES DISTRICT COURT	
NORTHERN DISTRICT OF NEW YOR	Κ

SAMUEL CALLOWAY,

Plaintiff,

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9:09-CV-1354 (TJM/GHL)

SGT. CHARLES GRIMSHAW, a/k/a Grinnhan,

Defendant.

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THOMAS J. McAVOY, Senior United States District Judge

## **DECISION & ORDER**

## I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated August 10, 2011 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

## II. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Therefore, it is hereby

ORDERED that Defendant's motion for summary judgment (Dkt. # 30) is **GRANTED** and the Complaint is **DISMISSED**.

## IT IS SO ORDERED

Dated: September 15, 2011

Thomas J. McKvoy Senior, U.S. District Judge